

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Dec 08, 2021**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARY STEPHEN HARMAS; and

ESTATE OF DALE WOOD,

Defendant.

No. 4:21-CV-05086-SAB

**DEFAULT JUDGMENT AND  
ORDER OF FORECLOSURE**

Before the Court is the United States' Motion for Default Judgment as to Gary Stephen Harmas, ECF No. 16. The Motion was considered without oral argument. The United States is represented by Brian Donovan. The Estate of Dale Wood is represented by Christopher Varallo and Emily Hazen.

Having reviewed the Motion for Default, ECF No. 16, the parties' Stipulation Foreclosing Interest of Defendant Estate of Dale Wood, ECF No. 12, the Clerk's Order of Default, ECF No. 15, and applicable caselaw, the Court is fully informed and hereby grants the Motion for Default Judgment as to Defendant Gary Stephen Harmas.

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**DEFAULT JUDGMENT AND ORDER OF FORECLOSURE \*1**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The United States' Motion for Default Judgment as to Gary Stephen  
3 Harmas, ECF No. 16, is **GRANTED**.

4 2. The scheduling conference set for December 9, 2021 is **STRICKEN**.

5 3. Plaintiff has a valid and enforceable criminal restitution judgment lien  
6 arising out of the conviction of Defendant Gary Stephen Harmas in the criminal  
7 case *United States v. Gary S. Harmas*, 2:07-CR-06022-FVS-001, in which  
8 Defendant Harmas was ordered to pay restitution in the amount of \$310,733.79. As  
9 of November 3, 2021, Defendant Harmas owes \$297,480.79 in outstanding  
10 criminal restitution.

11 4. The criminal restitution debt upon which this judgment is based has  
12 been secured and perfected by the following:

13 a. A criminal judgment lien recorded February 27, 2008, under  
14 Auditor's File No. 2008-01729, Official Records of Walla Walla  
15 County, Washington.

16 5. The foregoing lien covers the following described real property  
17 situated in Walla Walla County, State of Washington (ECF No. 1, Ex. C), located  
18 at 1621 Beet Road, Walla Walla, Washington, with the following legal description:

19 a. Lot C-3 of Short Plat filed in Volume 2 of Short Plats at Page 239,  
20 under Auditor's File Number 9309576, Walla Walla County,  
21 Washington. Assessor's Parcel No. 35-06-15-11-0027.

22 6. The criminal restitution lien described in paragraph 4 above is hereby  
23 foreclosed. Defendants and all persons claiming by, through or under them are  
24 forever barred and foreclosed from asserting any right, title, or interest in and to  
25 said real property, except for the statutory rights to surplus funds, if any,  
26 provided by law.

27 7. The interests of all Defendants are inferior to the interest of the United  
28 States.

**DEFAULT JUDGMENT AND ORDER OF FORECLOSURE \*2**

1           8.     After the 10-day automatic stay of proceedings to enforce a judgment,  
2 Plaintiff may present a motion for an order of sale.

3           9.     The United States Marshal for the Eastern District of Washington or  
4 their representative will be authorized and directed under 28 U.S.C. §§ 2001 and  
5 2002 to offer for public sale and to sell the real property listed in paragraph 5. The  
6 United States Marshal or his/her representative will be authorized free access to the  
7 real property and to take all actions necessary to preserve the real property,  
8 including, but not limited to, retaining a locksmith or other person to change or  
9 install locks or other security devices on any part of the real property, until the  
10 deed to the real property is delivered to the purchaser at the foreclosure sale.

11          10.    The United States or any party to the suit may become a purchaser at  
12 the sale and the United States Marshal shall execute a Marshal's Certificate of  
13 Purchase to the real property in favor of the purchaser, and the purchaser will be let  
14 into possession of the premises upon production of the Marshal's Certificate of  
15 Purchase. In the event the United States is a successful bidder on the property, it  
16 shall have the right to apply its judgment credits in lieu of cash thereon, and the  
17 United States Marshal is authorized to accept such an arrangement.

18          11.    The terms of the Order of Sale shall be as follows:

19               a. The sale of the real property shall be free and clear of the interest of  
20 Defendant The Estate of Dale Wood and Defendant Gary Stephen  
21 Harmas, except to the extent that the Defendant Estate has a right to  
22 excess funds under RCW § 6.21.

23               b. The sale shall be made with no redemption period.

24               c. The sale shall be subject to building lines, if established; all laws,  
25 ordinances, and governmental regulations (including building and  
26 zoning ordinances) affecting the real property; and easements and  
27 restrictions of record, if any.  
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1 d. The Sale shall be held at the courthouse of the county in which the  
2 real property is located, on the real property's premises, or at any  
3 other place in accordance with the provisions of 28 U.S.C. §§ 2001  
4 and 2002, and shall be announced in the Notice of Sale. The date and  
5 time for sale are to be announced by the United States Marshal, or  
6 his/her representative, in the Notice of Sale.

7 e. The Notice of Sale shall be published once a week for at least four  
8 consecutive weeks before the sale in at least one newspaper regularly  
9 issued and of general circulation in Walla Walla County, and, at the  
10 discretion of the Marshal or his/her representative, by any other notice  
11 deemed appropriate. The notice shall contain a description of the real  
12 property; the time, date, and location of the sale as determined by the  
13 United States Marshal or his/her representative; the minimum bid as  
14 determined by the United States; and the terms and conditions of sale  
15 listed in subparagraphs f-l below.

16 f. The minimum bid for the Real Property will be set by the United  
17 States. If the minimum bid is not met or exceeded, the Marshal or  
18 his/her representative, with concurrence of the United States, may  
19 without further permission of this Court, and under the terms and  
20 conditions in this order of sale, hold a new public sale, if necessary,  
21 and reduce the minimum bid as set by the United States, or sell to the  
22 highest bidder.

23 g. The successful bidder for the real property shall be required to  
24 deposit at the time of the sale with the Marshal, or his/her  
25 representative, a minimum of ten percent (10%) of the bid, with the  
26 deposit to be made by certified or cashier's check payable to the  
27 United States District Court for the Eastern District of Washington, or  
28 cash. Before being permitted to bid at the sale, bidders shall display to

1 the Marshal, or his/her representative, proof that they are able to  
2 comply with this requirement. No bids will be received from any  
3 person(s) who have not presented proof that, if they are the successful  
4 bidder(s), they can make the deposit required by this order of sale.

5 h. The balance of the purchase price for the real property is to be paid  
6 to the United States Marshal within twenty (20) days after the date the  
7 bid is accepted, by a certified or cashier's check payable to the United  
8 States District Court for the Eastern District of Washington. If the  
9 bidder fails to fulfill this requirement, the deposit shall be forfeited  
10 and shall be applied to cover the expenses of the sale, including  
11 commissions due under 28 U.S.C. § 1921(c), with any amount  
12 remaining to be applied to the Judgment at issue herein. The real  
13 property shall again be offered for sale under the terms and conditions  
14 of this order of sale, or, in the alternative, sold to the second highest  
15 bidder if consented to by the United States.

16 i. The sale of the real property shall be subject to confirmation by this  
17 Court. The Marshal shall file a report of sale with the Court, together  
18 with a proposed order of confirmation of sale and proposed deed,  
19 within thirty (30) days from the date of receipt of the balance of the  
20 purchase price.

21 j. On confirmation of the sale, the Marshal shall execute and deliver a  
22 deed of judicial sale conveying the real property to the purchaser.

23 k. On confirmation of the sale, all interests in, liens against, or claims  
24 to, the real property and appurtenances that are held or asserted by all  
25 parties to this action are discharged and extinguished, except to the  
26 extent that any Defendant has rights to surplus funds.

1 l. On confirmation of the sale, the recorder of deeds, Yakima County,  
2 Washington, shall cause transfer of the real property and  
3 appurtenances to be reflected upon that county's register of title.

4 m. The sale shall be "as is" without warranty of any kind.

5 12. Until the real property is sold, all Defendants shall take all reasonable  
6 steps necessary to preserve the real property (including all buildings,  
7 improvements, fixtures and appurtenances on the real property) in their current  
8 condition including, without limitations, maintaining a fire and casualty insurance  
9 policy. They shall neither commit waste against the real property nor cause nor  
10 permit anyone else to do so. They shall neither do anything that tends to reduce the  
11 value or marketability of the real property nor cause nor permit anyone else to do  
12 so. They shall not record any instruments, publish any notice, or take any other  
13 action (such as running newspaper advertisements or posting signs) that may  
14 directly or indirectly tend to adversely affect the value of the real property or that  
15 may tend to deter or discourage potential bidders from participating in the public  
16 auction, nor shall they cause or permit anyone else to do so.

17 13. All persons occupying the real property shall leave and vacate the real  
18 property permanently within thirty (30) days of the date of this Order, each taking  
19 with them his or her personal property (but leaving all improvements, buildings,  
20 fixtures, and appurtenances to the real property). If any person fails or refuses to  
21 leave and vacate the property by the time specified in this Order, the United States  
22 Marshal's Office is authorized to take whatever action it deems appropriate to  
23 remove such person from the premises. Specifically, the United States Marshal (or  
24 his/her designee) is authorized and directed to take all actions necessary to enter  
25 the real property at any time of the day or night and evict and eject all unauthorized  
26 persons located there, including Defendants, or any other occupants. To  
27 accomplish this and to otherwise enforce this Order, the United States Marshal (or  
28 his/her designee) shall be authorized to enter the real property and any and all

1 structures and vehicles located thereon, and to use force as necessary. When the  
2 United States Marshal concludes that all unauthorized persons have vacated, or  
3 been evicted from the property, he/she shall relinquish possession and custody of  
4 the property to the United States or its designee. No person shall be permitted to  
5 return to the property and/or remain thereon without the express written  
6 authorization by the United States Marshal and/or the United States Department of  
7 Justice, or their respective representatives and/or designees. Unauthorized persons  
8 who re-enter the real property during the time this order is in effect may be ejected  
9 by the United States Marshal without further order of the Court.

10 14. If any person fails or refuses to remove his or her personal property  
11 from the real property by the time specified herein, the personal property  
12 remaining on the real property thereafter is deemed forfeited and abandoned, and  
13 the United States Marshal's Office is authorized to remove it and to dispose of it in  
14 any manner it deems appropriate, including sale, in which case the proceeds of the  
15 sale are to be applied first to the expenses of sale and the balance to be paid into  
16 the Court for further distribution.

17 15. The proceeds arising from sale are to be paid to the Clerk of this Court  
18 and applied as far as they shall be sufficient to the following items, in the order  
19 specified:

20 a. To the United States for the costs of the sale, including the costs  
21 and commissions of the United States Marshal and any professional  
22 auctioneer if retained and the costs of advertising, selling, and  
23 conveying the property incurred by the Government.

24 b. To the outstanding criminal restitution judgment owed by  
25 Defendant Harmas in the criminal case *United States v. Gary S.*  
26 *Harmas*, 2:07-CR-06022-FVS-001.

1 c. Any balance remaining after the above payments shall be held by  
2 the Clerk's Registry to be disbursed to whoever may be lawfully  
3 entitled to any surplus funds.

4 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter  
5 this Order and provide copies to counsel.

6 **DATED** this 8th day of December 2021.



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11 Stanley A. Bastian  
12 Chief United States District Judge  
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